



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erievue Plaza, Suite 200
Cleveland, Ohio 44114-1839
216/664-2297 • Fax: 216/420-8047
www.clevelandhealth.org

SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7003 3410 0002 1933 8004
RETURN RECEIPT REQUESTED

June 7, 2010

Anthony Peacock
Peacock Auto Body
8701 Buckeye Road
Cleveland, Ohio 44101

NON-HPV

FACILITY ID: 13-18-00-8524

SECOND NOTICE OF VIOLATION: Failure to record actual paint, paint stripper, solvent clean-up material and any other solvent usage on a daily basis; failure to obtain city permits to operate and pay city permit fees for 2006, 2007, 2008 and 2009.

Dear Mr. Peacock:

On April 22, 2010, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation (NOV) requesting Peacock Auto Body to submit an accurate estimate of usage of paint, paint stripper, solvent cleaning product, and any other solvent product, based on prior purchases, covering the previous 12-months. The information requested was to aid CDAQ in determining if Peacock Auto Body falls within the "de minimis" permit exemption or if a permit-to-install/operate (PTIO) application needs submitted to Ohio EPA. CDAQ also requested Material Safety Data Sheets (MSDSs) of all paint, paint stripper, solvent cleaning product, and any other solvent product used to help with CDAQ's determination.

Additionally, Peacock Auto Body has failed to obtain City of Cleveland permits-to-operate by submitting City of Cleveland Air Contaminant Source fees for 2006, 2007, 2008 and 2009, in violation of City of Cleveland Codified Ordinances 259.01 and 263.01. Copies of these past invoices are included with this letter.

To date, CDAQ has not received the above requested information or payment of City of Cleveland Air Contaminant Source fees; therefore, Peacock Auto Body remains operating in violation of applicable air regulations and statutes.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Peacock Auto Body submit an accurate estimate of usage, based on prior purchases of paint, paint stripper, solvent cleaning product, and any other solvent product, covering the previous 12-months.



CDAQ is also requesting the Material Safety Data Sheets (MSDSs) of all paint, paint stripper, solvent cleaning product, and any other solvent product used. All information is to be submitted to CDAQ within fourteen (14) days from receipt of this letter to the following enforcement personnel:

Valeric Shaffer
Cleveland Division of Air Quality
75 Erieview Plaza, 2nd Floor
Cleveland, Ohio 44114-1839

CDAQ also requests that Peacock Auto Body obtain City of Cleveland permits to operate by submitting City of Cleveland Air Contaminant Source fees within thirty (30) days of receipt of this letter to the following address:

City Permit Fee Invoices
Cleveland Division of Air Quality
75 Erieview Plaza, 2nd Floor
Cleveland, Ohio 44114-1839

If there is insufficient time to correct the alleged violations within this timeframe, a response which includes a timeline for correcting the alleged violations must be received to the enforcement representative listed above within fourteen (14) days of your receipt of this letter.

Moreover, Peacock Auto Body should be aware that as an area source, National Emission Standards for Hazardous Air Pollutants (NESHAP) Subpart HHHHHH, exists under the United States Environmental Protection Agency (U.S. EPA) for paint stripping and miscellaneous surface coating operations which may be applicable to you. CDAQ has included a copy of the summary pamphlet from the U.S. EPA's Office of Air Quality Planning & Standards for your review.

Violations of Ohio air pollution laws and /or permit terms and conditions are subject to the penalties stipulated in Ohio Revised Code Section 3704.99(A), which allows fines of not more than twenty-five thousand dollars or imprisonment for not more than one year, or both, for each violation.

Free assistance with state and/or federal regulations, rules, laws or permit conditions can be provided at no charge through the Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can be contacted at <http://www.epa.ohio.gov/ocapp> or (614) 644-3469 or (800) 329-7518. CDAQ makes no guarantee that the facility will meet the qualifying guidelines established by OCAPP.

OCAPP can also provide assistance to facilities that want to investigate methods of pollution prevention to reduce raw material usage and waste production. Again, there is no charge for their services.



CDAQ issues this letter with Ohio EPA's concurrence. The failure to mention any specific violation does not excuse any violations of local, state and federal laws or regulations regarding air pollution control. Violations of air pollution control laws may be pursued in local court or referred to Ohio EPA or U.S. EPA for further enforcement action. Should you have any questions, please call Valerie Shaffer at (216) 664-6292. All correspondence with CDAQ must include the Ohio EPA facility identification number for Peacock Auto Body: 13-18-00-8524.

Sincerely,

Linda Kimmey for G.B.
George Baker
Chief of Enforcement

GB/vls

cc:

Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318008524\2010-03-26 NOV.doc

encl: 2006, 2007, 2008 and 2009 City of Cleveland Air Contaminant Source Invoices

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PEACOCK AUTO BODY
 [DELIVER TO SIDE DOOR IN BACK]
 ATTN: ANTHONY PEACOCK
 8701 BUCKEYE ROAD
 CLEVELAND, OHIO 44101

2. Article Number
(Transfer from service label)

7009 3410 0002 1933 8004

COMPLETE THIS SECTION ON DELIVERY

- A. Signature: *X Anthony Peacock* Agent Addressee
- B. Received by (Printed Name) C. Date of Delivery
X *16-10-10*
- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)
-
- Yes